

## **REMARKS**

In the Office Action dated June 5, 2006, claims 1-26 were presented for examination. The Examiner rejected claims 10-18 under 35 U.S.C. §101, and the Examiner rejected claims 1-26 under 35 U.S.C. §103(a).

The following remarks are provided in support of the pending claims and responsive to the Office Action of June 5, 2006 for the pending application.

### **I. Rejection of claims 10-18 under 35 U.S.C. §101**

Claims 10-18 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. More specifically, claims 10-18 are directed to a system claim, and a driver operating within the system. Claim 10 has been amended to elaborate on the elements of the device driver as defined by Applicant on page 2, line 2 of the specification. Applicant is not claiming an intended use of the device driver. Rather, Applicant is claiming the device driver as a set of resources located within the firmware that enable specific functionality to execute. Accordingly, Applicant respectfully requests that the Examiner remove this rejection of claims 10-18.

### **II. Rejection of claims 1-24 under 35 U.S.C. §103(a)**

Claims 1-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Moore et al.* (U.S. Patent Publication No. 2004/0133609) in view of *Logue et al.* (U.S. Patent No. 6,647,421) and further in view of Applicant's Admitted Prior Art (AAPA)

Applicant's remarks to the *Moore et al.* publication '609 and the *Logue et al.* patent '421 provided in the response to the prior Office Actions are hereby incorporated by reference.

With respect to claims 1-4, 8-14, and 18-21, the Examiner combines *Moore et al.* with *Logue et al.* and AAPA to teach all of the elements in the claim. *Moore et al.*, *Logue et al.*, and AAPA do not teach receipt of the message within system firmware to launch a lower priority task without a suspension in the form of an interrupt or a pause. AAPA teaches tasks that may disable interrupts and increase their level of operation, but they cannot decrease the priority level. See page 1, lines 18-20. Furthermore, the AAPA teaches enabling system interrupts to launch different applications at different priority levels. See page 1, lines 12-13. The AAPA, *Moore et al.*, and *Logue et al.* each do not teach the ability within firmware to launch a lower priority task from a higher priority task without disabling interrupts. Applicant has amended claims 1, 10, and 19 to include this limitation absent in the prior art of *Moore et al.*, *Logue et al.*, and AAPA. “To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Accordingly, based upon the amendments to the claims, it is Applicant’s position that there is no teaching or suggestion in the combination of *Moore et al.*, *Logue et al.*, and AAPA for launching different priority level tasks absent an interrupt.

With respect to the “flag” as noted in claims 5-7, 15-17, 22, 23, and 25, Applicant maintains their position that the prior art does not teach use of a flag associated with the task of launching a lower priority task, as noted by the Examiner on page 5, paragraph 14, in the Office Action dated November 28, 2005. *Moore et al.* does not teach a flag for differentiating and handling request priorities, as claimed by Applicant. If *Moore et al.* had wanted to use a flag for differentiating among tasks, then *Moore et al.* would have done so. The fact that *Moore et al.* does not use a flag for the use claimed by Applicant should serve as evidence that *Moore et al.* does not teach or suggest this claimed limitation. Accordingly, Applicant respectfully requests allowance of claims 5-7, 15-17, 22, 23, and 25.

### **III. Rejection of claims 25-26 under 35 U.S.C. §103(a)**

Claims 25-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Moore et*

*al.* (U.S. Patent Publication No. 2004/0133609) in view of *Logue et al.* (U.S. Patent No. 6,647,421).

Applicant's remarks to the *Moore et al.* publication '609 and the *Logue et al.* patent '421 provided in the response to the prior Office Actions are hereby incorporated by reference.

With respect to claims 25-26 the Examiner combines *Moore et al.* with *Logue et al.* to teach all of the elements in the claim. *Moore et al.*, and *Logue et al.* do not teach receipt of the message within system firmware to launch a lower priority task without a suspension in the form of an interrupt or a pause. As noted above, these limitations are also not met in AAPA, which teaches tasks may disable interrupts and increase their level of operation, but they cannot decrease the priority level. See page 1, lines 18-20. Neither *Moore et al.* nor *Logue et al.* teach the ability within firmware to launch a lower priority task from a higher priority task without disabling interrupts. Applicant has amended claim 25 to include this limitation absent in the prior art of both *Moore et al.* and *Logue et al.* "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Accordingly, based upon the amendments to the claims, it is Applicant's position that there is no teaching or suggestion in the combination of *Moore et al.*, and *Logue et al.* to launch different priority level tasks absent an interrupt.

Applicant has amended each of the independent claims to specifically address the limitations of the prior art. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicant requests that the Examiner indicate allowability of claims 1-26, and that the application pass to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is hereby invited to telephone the undersigned at the number provided.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

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